

APPEAL NO. 021314  
FILED JULY 2, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 4, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on \_\_\_\_\_, and did not have disability.

The claimant appealed, basically on the lack of sufficient evidence to support the hearing officer's decision. The respondent (carrier) responded urging affirmance.

DECISION

Affirmed.

The claimant, a backhoe operator, testified that he sustained a compensable injury while stepping from a trailer to the flatbed of a truck on \_\_\_\_\_. Most of the evidence is in dispute and conflicting. Even the mechanics of the alleged fall, whether the claimant fell on his back or whether he landed upright on his legs, is subject to conflicting versions. Similarly, whether the claimant's condition is due to degenerative disease, was preexisting or was caused by the alleged fall is conflicting. The earliest reference to back complaints is not noted until July 17, 2001, almost four months after the alleged incident. The hearing officer made detailed findings regarding how she viewed the evidence.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH SAINT PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Robert E. Lang  
Appeals Panel  
Manager/Judge

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Philip F. O'Neill  
Appeals Judge